

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNETH CREIGHTON,

Plaintiff,

- against -

THE CITY OF NEW YORK, DETECTIVE
DEAN ROBERTS (Shield No. 05861),
DETECTIVE GLENN GODINO (Shield No.
2756), P.O. JOHN DOE #1, P.O. JOHN DOE
#2, P.O. JOHN DOE #3, DETECTIVE JOHN
DOE #1, DETECTIVE JOHN DOE #2,
DETECTIVE #3 (all John Does defendants
being fictitious names to denote Unidentified
officers and detectives involved herein),
DISTRICT ATTORNEY ROBERT T.
JOHNSON, ASSISTANT DISTRICT
ATTORNEY BRUCE BIRNS, ASSISTANT
DISTRICT ATTORNEY ED TALTY, and
ASSISTANT DISTRICT ATTORNEY
MICHAEL COOPER,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/18/17

ORDER

12 Civ. 7454 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

On August 21, 2013, Plaintiff filed an Amended Complaint asserting seventeen causes of action. (Dkt. No. 10) Plaintiff withdrew certain of his claims in letters dated December 23, 2015, and May 25, 2016. (Dkt. Nos. 82, 141)

At a January 9, 2017 conference, and in preparation for ruling on the parties' cross-motions for summary judgment, the Court set forth its understanding that only the following claims remain: (1) false arrest under New York law (First Request for Relief action); (2) malicious prosecution under New York law (Second Request for Relief); (3) malicious prosecution and malicious abuse of process under Section 1983 (Fourth Request for Relief);

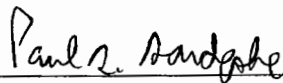
(4) conspiracy under Section 1983 (Fifth Request for Relief); (5) violation of due process under Section 1983 (Sixth Request for Relief); (6) unreasonably prolonged detention under Section 1983 (Eighth Request for Relief); and (7) failure to intervene under Section 1983 (Eleventh Request for Relief). (See Jan. 9, 2017 Tr. (Dkt. No. 239) at 4-5) In the event that any party disagreed with this Court's assessment, the Court ordered that a letter stating that objection be submitted by January 11, 2017. (Id. at 5) No party has submitted any such objection.

Accordingly, it is hereby ORDERED that the following claims in the Amended Complaint are dismissed: (1) malicious abuse of process under New York law (Third Request for Relief); (2) liability based on "investigatory functions" (Seventh Request for Relief); (3) unreasonable continued prosecution under Section 1983 (Ninth Request for Relief); (4) unduly suggestive identification procedures under Section 1983 (Tenth Request for Relief); (5) failure to investigate under Section 1983 (Twelfth Request for Relief); (6) Brady violations under Section 1983 (Thirteenth Request for Relief); (7) Monell claims (Fourteenth and Fifteenth Requests for Relief); (8) negligence under New York law (Sixteenth Request for Relief); and (9) intentional infliction of emotional distress under New York law (Seventeenth Request for Relief).

It is further ORDERED that, pursuant to Plaintiff's May 25, 2016 letter, all claims against Defendant Robert Johnson are dismissed. (See Dkt. No. 141 at 2)

Dated: New York, New York
January 18, 2017

SO ORDERED.



Paul G. Gardephe
United States District Judge